

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CUMBERLAND SYSTEMS LLC,

Plaintiff,

v.

NOKIA USA INC.,

Defendant.

CIVIL ACTION NO

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for patent infringement in which Cumberland Systems LLC makes the following allegations against Nokia USA Inc.

PARTIES

2. Plaintiff Cumberland Systems LLC (“Plaintiff”) is a Texas limited liability company with its principal place of business at 6800 Weiskopf Avenue, Suite 150, McKinney, TX 75070.

3. On information and belief, Nokia USA Inc. (“Defendant” or “Nokia”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Sunnyvale, CA.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, acts of infringement have been committed in this District. Additionally, Nokia is a Delaware corporation, and, thus, resides in the District for purposes of venue.

6. On information and belief, Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Delaware Long Arm Statute, due

at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Delaware and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,721,222

7. Plaintiff is the owner of United States Patent No. 7,721,222 (“the ‘222 patent”) entitled “Dynamic Language Text Generation System and Method.” The ‘222 Patent issued on May 18, 2010. A true and correct copy of the ‘222 Patent is attached as Exhibit A.

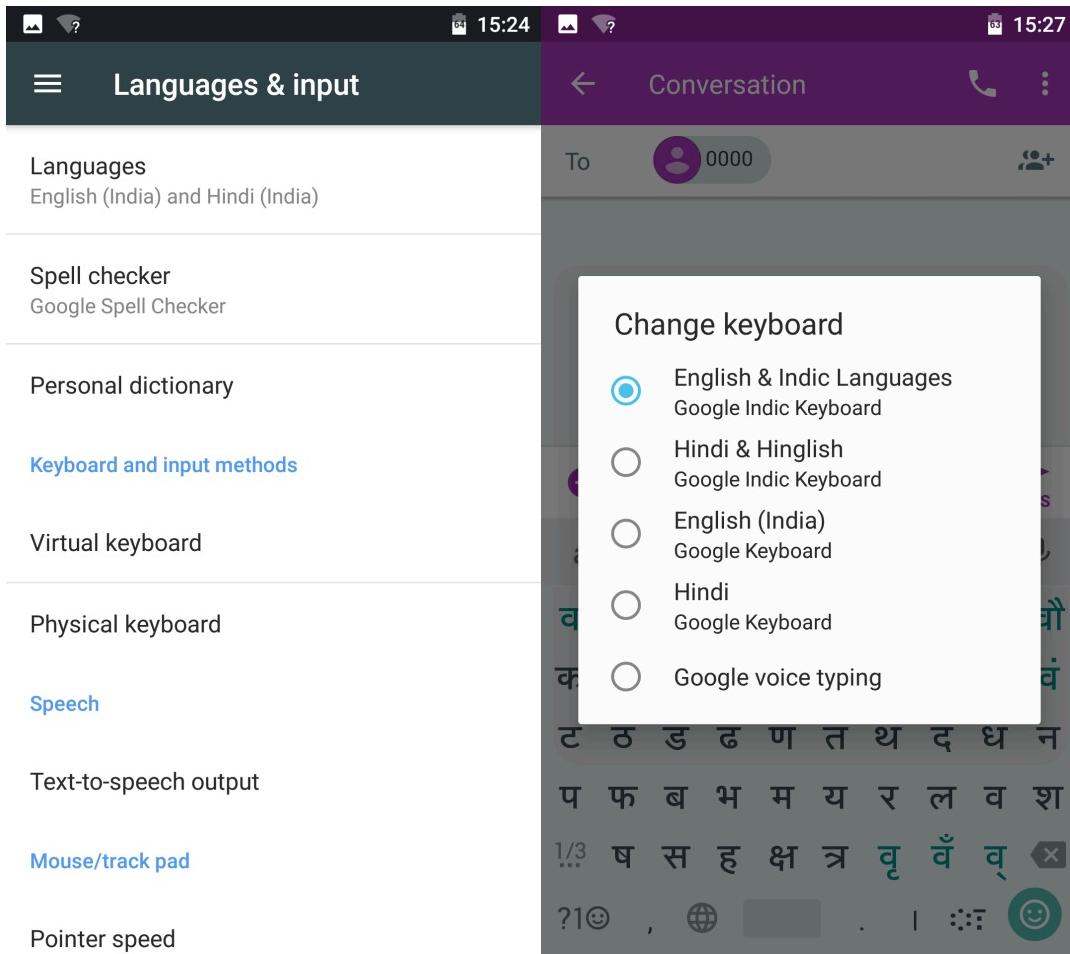
Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides products and/or services that infringe the ‘222 patent. The ‘222 patent provides, among other things, “A method comprising: displaying on a computer monitor a first plurality of character menu items; wherein each character menu item of the first plurality of character menu items has only one individually selectable a character of a language; wherein each character menu item of the first plurality of character menu items is displayed in a first location on the computer monitor; wherein each character of each character menu item of the first plurality of character menu items is a consonant character of the language; further comprising receiving a first user selection of a first character menu item of the first plurality of character menu items, wherein the first user selection is received via a computer interactive device; displaying on the computer monitor during a first state a first overall plurality of character menu items which consists of the first plurality of character menu items, a second plurality of character menu items, and any first further character menu items, so that no character menu items are displayed on the computer monitor during the first state other than the first overall plurality of character menu items, and wherein the second plurality of character menu items is displayed on the computer monitor during the first state in response to the first user selection of the first character menu item; wherein each character menu item of the second plurality of character menu items has only one individually selectable a character of the language; wherein each character menu item of the second plurality of character menu items is displayed in a second location on the computer monitor; wherein each character of each of the second plurality of character menu items is a vowel derivative of the character of the first character menu item; wherein the second plurality of

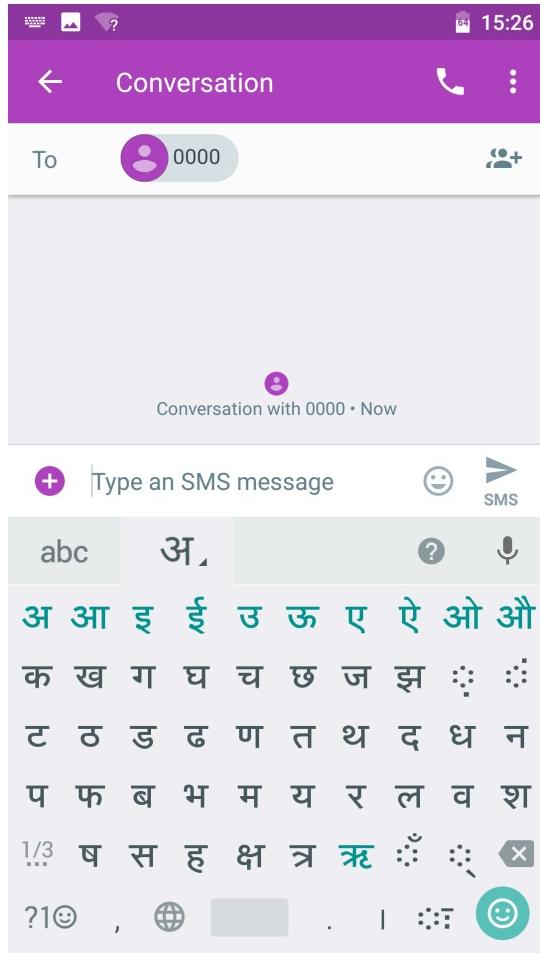
character menu items is displayed substantially and directly connected to the first character menu item, and the second plurality of character menu items is not displayed substantially and directly connected to any character menu item of the first overall plurality of character menu items, disregarding the second plurality of character menu items themselves, other than the first character menu item, and wherein the second location is separate and apart from the first location and the second location is adjacent the first character menu item; further comprising receiving a second user selection of a second character menu item of the first plurality of character menu items, wherein the second user selection is received via the computer interactive device; displaying on the computer monitor during a second state, a second overall plurality of character menu items which consists of the first plurality of character menu items, a third plurality of character menu items, and any second further character menu items, so that no character menu items are displayed on the computer monitor during the second state other than the second overall plurality of character menu items, and wherein the third plurality of character menu items is displayed on the computer monitor during the second state in response to the second user selection of the second character menu item; and wherein each character menu item of the third plurality of character menu items has only one individually selectable a character of the language; wherein each character of each character menu item of the third plurality of character menu items is a vowel derivative of the character of the second character menu item; wherein the third plurality of character menu items is displayed substantially and directly connected to the second character menu item, and the third plurality of character menu items is not displayed substantially and directly connected to any character menu item of the second overall plurality of character menu items, disregarding the third plurality of character menu items themselves, other than the second character menu item; and wherein each character menu item of the third plurality of character menu items is displayed in a third location on the computer monitor; and wherein the first, second, and the third locations are separate and apart from each other and the third location is adjacent the second character menu item.”

8. Defendant directly and/or through intermediaries, made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or services that infringed one or more claims of the ‘222 patent, including at least Claim 1, in this district and elsewhere in the United States. By making, using, importing, offering for sale, and/or selling

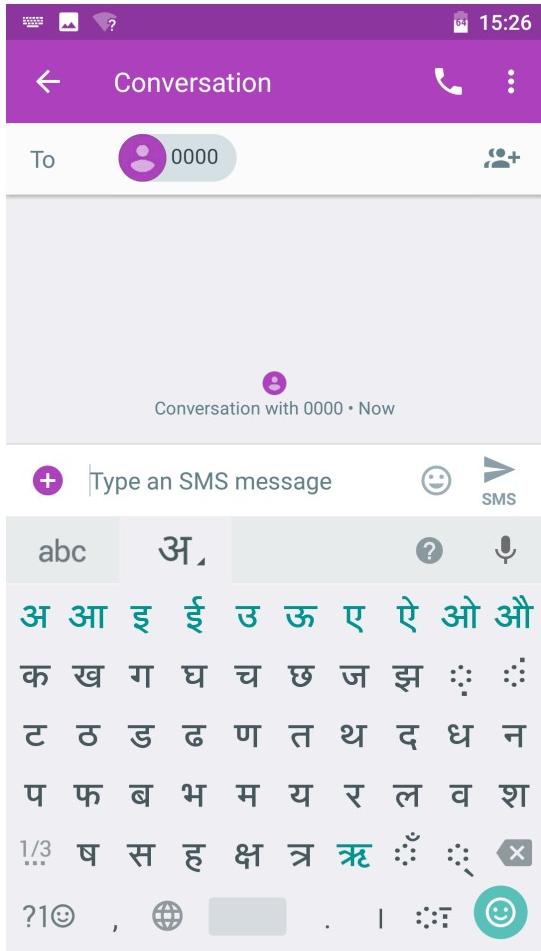
such products and services, and all like products and services, Defendant has injured Plaintiff and is thus liable for infringement of the '222 patent pursuant to 35 U.S.C. § 271.

9. Based on present information and belief, Nokia performs and induces others to perform the claimed method comprising the step of displaying on a computer monitor a first plurality of character menu items. For example, Nokia's Android smartphones (including but not limited to Nokia 3 phone used as an example below) execute Android OS which includes several non-English keyboards (such as the Hindi keyboard(s) used as an example below). At least some of these non-English keyboards comprise consonant characters arranged in rows and columns (first plurality of character menu items).

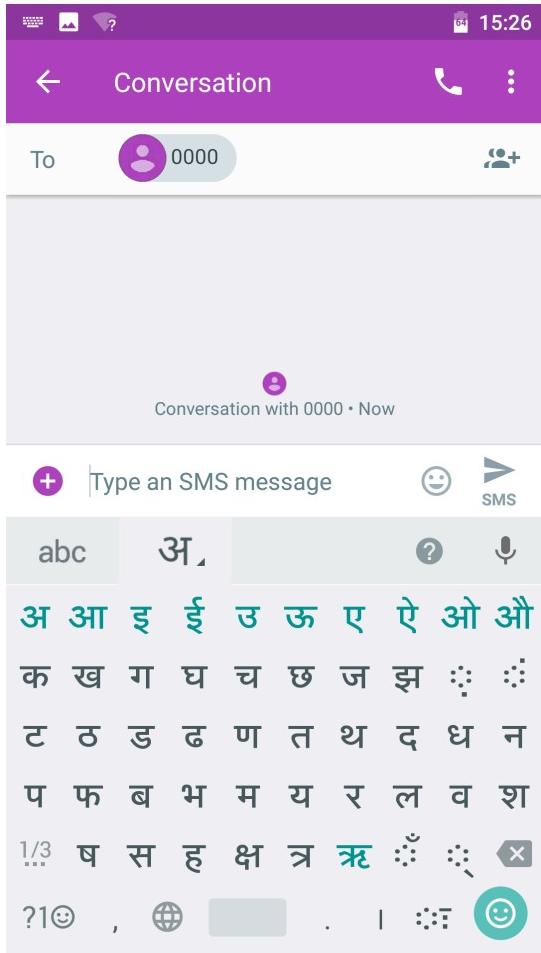




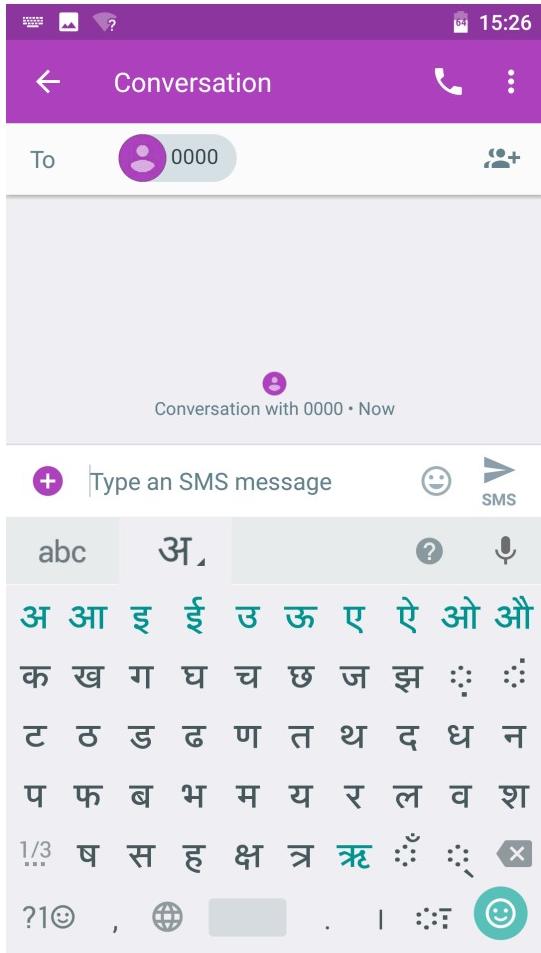
10. Based on present information and belief, Nokia performs and induces others to perform the claimed method wherein each character menu item of the first plurality of character menu items has only one individually selectable character of a language. For example, each consonant letter on the non-English keyboard has only one selectable character of the selected language.



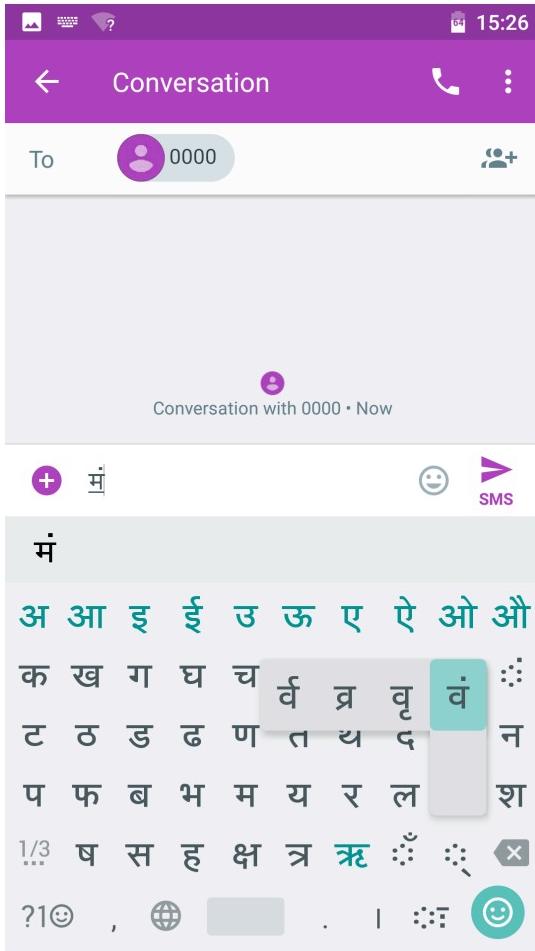
11. Based on information and belief, Nokia performs and induces others to perform the claimed method wherein each character menu item of the first plurality of character menu items is displayed in a first location on the computer monitor. For example, each button on the non-English keyboard is displayed as part of the rectangular keyboard towards the bottom of the screen.



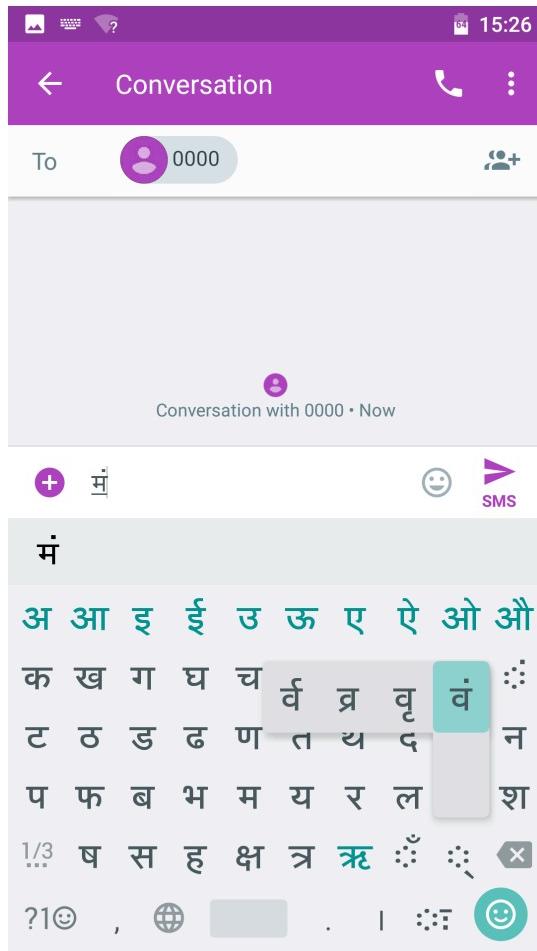
12. Based on present information and belief, Nokia performs and induces others to perform the claimed method wherein each character of each character menu item of the first plurality of character menu items is a consonant character of the language. For example, each consonant button on the non-English keyboard is a consonant character of the language (Hindi used as an example below).



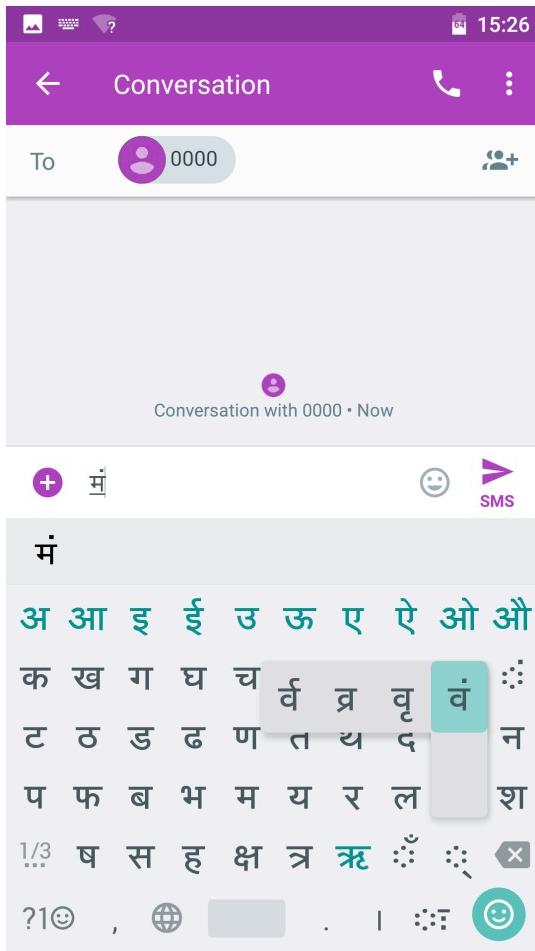
13. Based on present information and belief, Nokia performs and induces others to perform the claimed method further comprising receiving a first user selection of a first character menu item of the first plurality of character menu items, wherein the first user selection is received via a computer interactive device. For example, Nokia's Android smartphones receive user's selection of a consonant button on the keyboard via a "long press" on the smartphone's touchscreen.



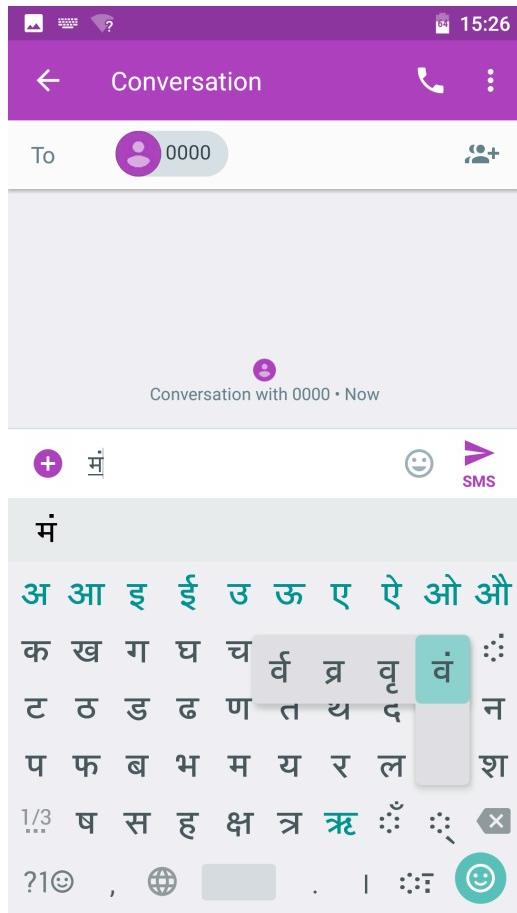
14. Based on present information and belief, Nokia performs and induces others to perform the step of displaying on the computer monitor during a first state a first overall plurality of character menu items which consists of the first plurality of character menu items, a second plurality of character menu items, and any first further character menu items, so that no character menu items are displayed on the computer monitor during the first state other than the first overall plurality of character menu items, and wherein the second plurality of character menu items is displayed on the computer monitor during the first state in response to the first user selection of the first character menu item. For example, in response to user “long pressing” a consonant button on the non-English keyboard (first character menu item), Nokia’s Android smartphones display a plurality of related characters (second plurality of character menu items) above the selected consonant button. The smartphone in this state only displays the first plurality of character menu items, the second plurality of character menu items, and any first further character menu items.



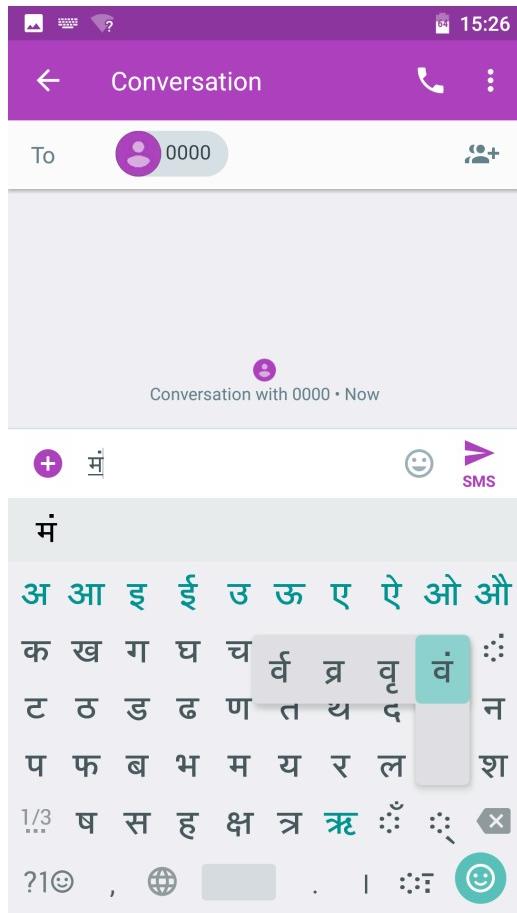
15. Based on present information and belief, Nokia performs and induces others to perform the claimed method wherein each character menu item of the second plurality of character menu items has only one individually selectable character of the language. For example, each character button on the shown plurality of related characters (second plurality of character menu items) has only one individually selectable character of the non-English language (Hindi used as an example below).



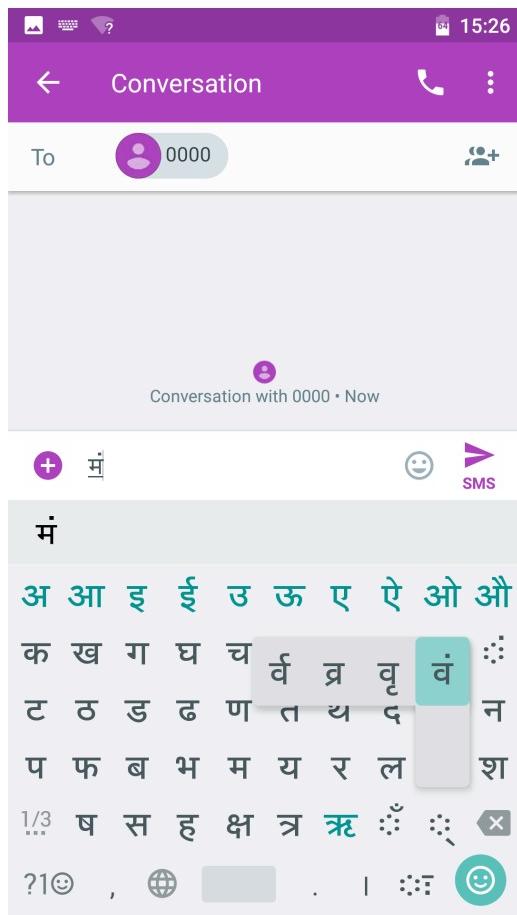
16. Based on present information and belief, Nokia performs and induces others to perform the claimed method wherein each character menu item of the second plurality of character menu items is displayed in a second location on the computer monitor. For example, each character button on the shown plurality of related characters (second plurality of character menu items) is shown in rows and columns directly above the selected first character menu item (second location on the computer monitor).



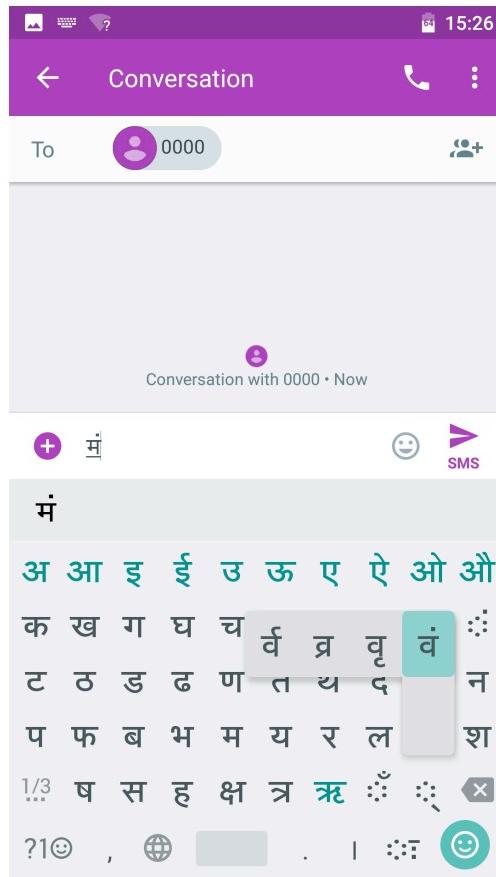
17. Based on present information and belief, Nokia performs and induces others to perform the claimed method wherein each character of each of the second plurality of character menu items is a vowel derivative of the character of the first character menu item. For example, at least some of the related characters shown on Nokia's smartphones in response to the user long pressing on a consonant button are vowel derivatives of the consonant character.



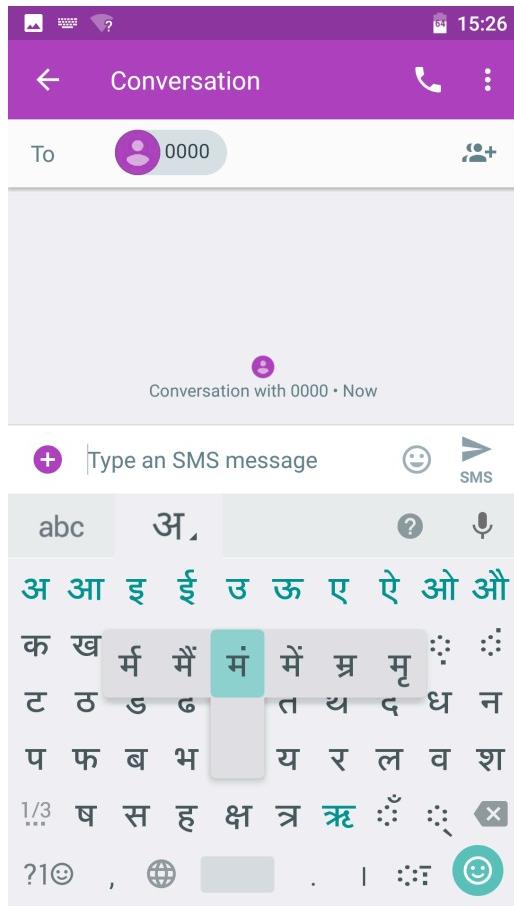
18. Based on present information and belief, Nokia performs and induces others to perform the claimed method wherein the second plurality of character menu items is displayed substantially and directly connected to the first character menu item, and the second plurality of character menu items is not displayed substantially and directly connected to any character menu item of the first overall plurality of character menu items, disregarding the second plurality of character menu items themselves, other than the first character menu item. For example, the related characters are displayed directed connected and just above the selected consonant button and only the selected consonant button.



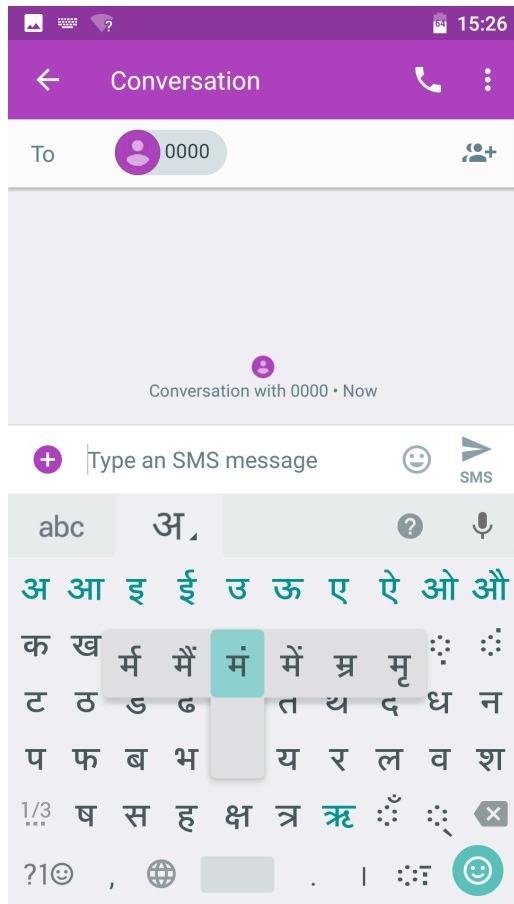
19. Based on present information and belief, Nokia performs and induces others to perform the claimed method wherein the second location is separate and apart from the first location and the second location is adjacent the first character menu item. For example, the related characters are displayed directed connected and just above the selected consonant button (second location) and only the selected consonant button.



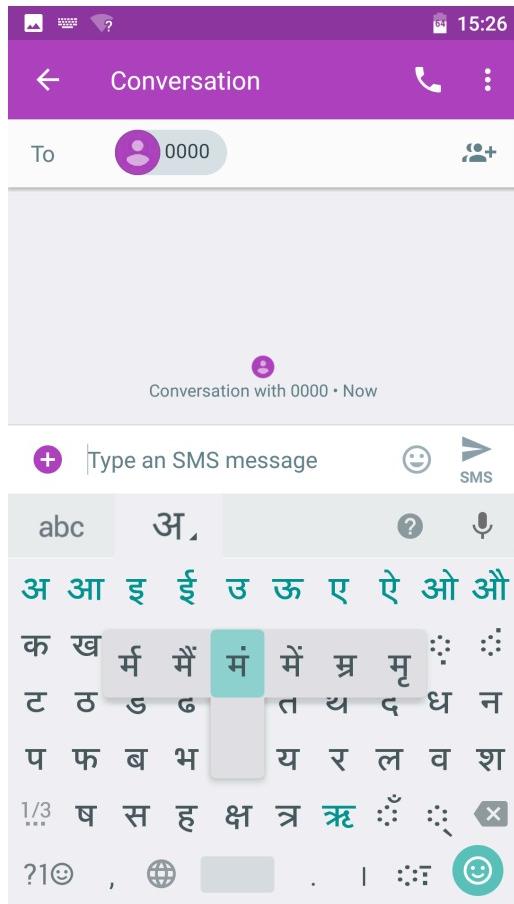
20. Based on present information and belief, Nokia performs and induces others to perform the claimed method further comprising receiving a second user selection of a second character menu item of the first plurality of character menu items, wherein the second user selection is received via the computer interactive device. For example, Nokia's Android smartphones receive user's selection of a second consonant button on the keyboard via a "long press" on the smartphone's touchscreen.



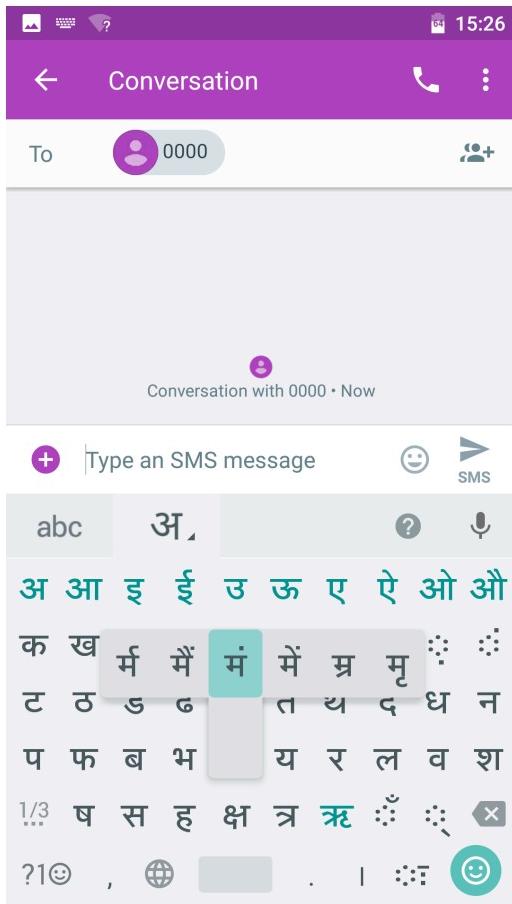
21. Based on present information and belief, Nokia performs and induces others to perform the step of displaying on the computer monitor during a second state, a second overall plurality of character menu items which consists of the first plurality of character menu items, a third plurality of character menu items, and any second further character menu items, so that no character menu items are displayed on the computer monitor during the second state other than the second overall plurality of character menu items, and wherein the third plurality of character menu items is displayed on the computer monitor during the second state in response to the second user selection of the second character menu item. For example, in response to user “long pressing” a second consonant button on the non-English keyboard (second character menu item), Nokia’s Android smartphones display a different plurality of related characters (third plurality of character menu items) above the selected consonant button. The smartphone in this state only displays the first plurality of character menu items, the third plurality of character menu items, and any second further character menu items.



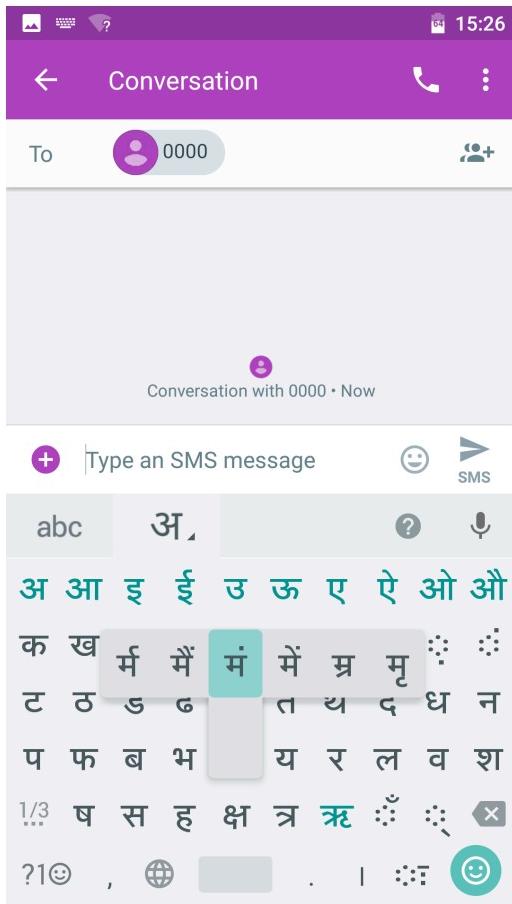
22. Based on present information and belief, Nokia performs and induces others to perform the claimed method wherein each character menu item of the third plurality of character menu items has only one individually selectable a character of the language. For example, each character button on the shown plurality of related characters (third plurality of character menu items) has only one individually selectable character of the non-English language (Hindi used as an example below).



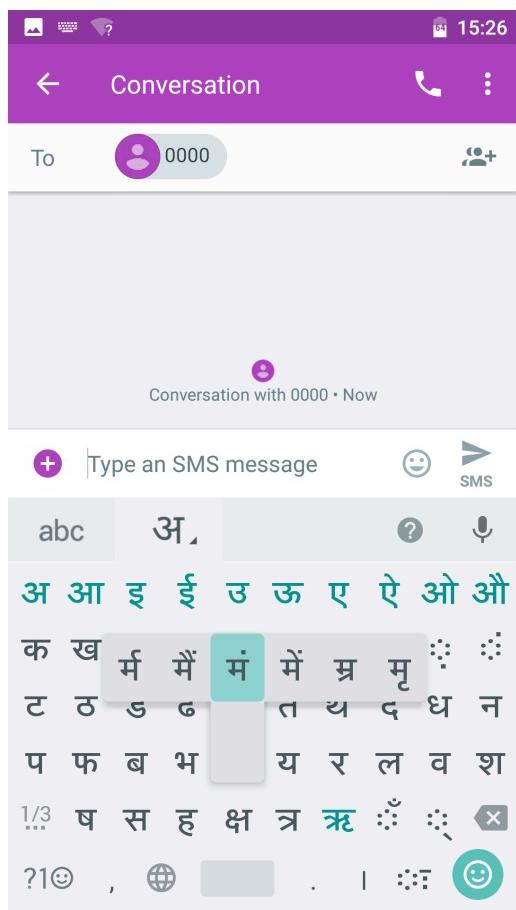
23. Based on present information and belief, Nokia performs and induces others to perform the claimed method wherein each character of each character menu item of the third plurality of character menu items is a vowel derivative of the character of the second character menu item. For example, at least some of the related characters shown on Nokia's smartphones in response to the user long pressing on a consonant button are vowel derivatives of the consonant character.



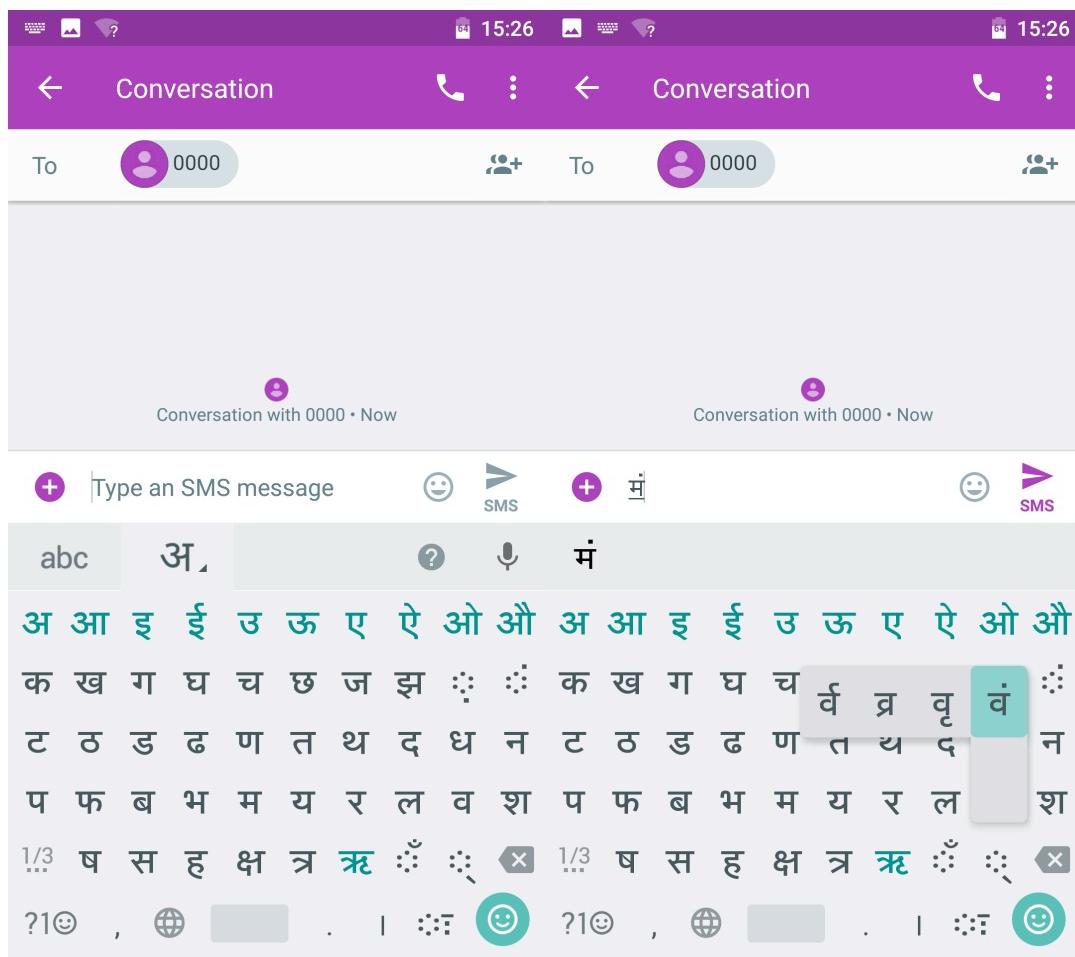
24. Based on present information and belief, Nokia performs and induces others to perform the claimed method wherein the third plurality of character menu items is displayed substantially and directly connected to the second character menu item, and the third plurality of character menu items is not displayed substantially and directly connected to any character menu item of the second overall plurality of character menu items, disregarding the third plurality of character menu items themselves, other than the second character menu item. For example, the related characters are displayed directed connected and just above the selected consonant button and only the selected consonant button.

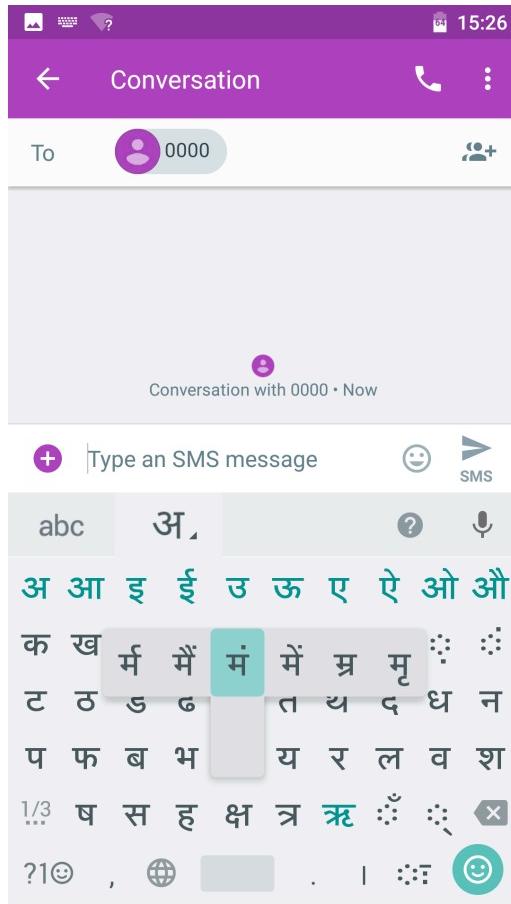


25. Based on present information and belief, Nokia performs and induces others to perform the claimed method wherein each character menu item of the third plurality of character menu items is displayed in a third location on the computer monitor. For example, the related characters are displayed directed connected and just above the selected consonant button and only the selected consonant button (third location on the computer monitor).



26. Based on present information and belief, Nokia performs and induces others to perform the claimed method wherein the first, second, and the third locations are separate and apart from each other and the third location is adjacent the second character menu item.





27. In the alternative, because the manner of use by Defendant differs in no substantial way from language of the claims, if Defendant is not found to literally infringe, Defendant infringes under the doctrine of equivalents.

28. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

29. In addition to what is required for pleadings in patent cases, and to the extent any marking was required by 35 U.S.C. § 287, Plaintiff and all predecessors in interest to the '222 Patent complied with all marking requirements under 35 U.S.C. § 287.

30. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the ‘222 Patent;
2. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant’s infringement of the ‘222 Patent as provided under 35 U.S.C. § 284;
3. An ordering an accounting of all infringing acts including, but not limited to, those acts not presented at trial and an award of damages to Plaintiff for any such acts;
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys’ fees; and
5. Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

CUMBERLAND SYSTEMS LLC

Dated: April 19, 2018

By: /s/Stamatios Stamoulis

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